

MEMBERS PRESENT

Peg Birney
Thomas J. Knips, Vice Chairman
Robert LaColla
Sheila Lahey
Shannon Lashlee
Robert J. Rahemba
James H. Wick, Chairman

MEMBERS ABSENT

David Stenger

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
Christopher J. Colsey, Municipal Development Director
J. Theodore Fink, AICP, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Alfred Cappelli, Jr., Architect
Warren Smith, Architect
Matthew Horton
Robert J. Grey, P.E.
Demetreus Moustakas
Anthony Trigonis
Richard Rang, P.E.
Daniel Zalinsky
Pete Galotti
Timothy O'Brien
William H. Povall III, P.E.
Robert Feldman
Jennifer L. VanTuyl, Esq.
John M. Kerekes, AICP PP
Laurie Ann Montross

James H. Wick, Chairman at 7:05 p.m., called the meeting to order.

DISCUSSION

EMPIRE STATE AMBULANCE (FORMERLY U.S. CABLEVISION)

Mr. Cappelli stated the building in question is one (1) of two (2) buildings on the east side of Route 9, which was purchased by Empire State Ambulance Corp. Mr. Cappelli stated the new owners are looking to install an awning/sign. Mr. Cappelli stated it is a 5' x 30' backlit awning. Mr. Cappelli showed the Board pictures of the proposed awning and color to be utilized. Mr. Cappelli stated the lettering will be white either hand-painted or silk-screened on the awning and the letters are approximately 12" high.

Mr. Andrews stated these buildings were approved by the Planning Board under the project name of Incorvia Warehouse, which he believes are generally in accordance with the approved site plan.

DISCUSSION
EMPIRE STATE AMBULANCE (FORMERLY U.S. CABLEVISION)
(CONTINUED)

Mr. Cappelli stated there are offices in 1/3 to 1/4 of the building and ambulances will be stored in the building. Mr. Cappelli stated they are in the process of negotiating with the neighbors to the north for a southbound turn.

Mr. Wick asked why Empire State Ambulance Corp. needed such an awning/sign. Mr. Cappelli stated simply to illustrate that they are at this location.

Mr. Knips stated he thought the last awning the Board approved like this was opaque. Mrs. Lahey stated she didn't believe a backlit awning/sign is needed.

It was the consensus of the Board that the awning color of Dark Blue No. 2114 manufactured by Eradicable Cooley-Brite, the size of the awning/sign, the white lettering and size of the lettering are acceptable; however the awning/sign is not to be backlit and the awning/sign will be opaque.

Mr. Knips made a motion that Mr. Colsey prepare and sign a letter to file authorizing the awning color of Dark Blue No. 2114 manufactured by Eradicable Cooley-Brite, the size of the awning, the white lettering and size of the lettering on the awning/sign and that the awning/sign is not to be backlit and will be opaque. Seconded by Mrs. Lahey. Motion carried.

REVIEW
TERRA MATERIALS - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated March 10, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Smith stated this is for seasonal storage and calling this an office building is somewhat grand. The rest of the building is in fact used as a storage building. Mr. Smith stated there is no water as Mr. Andrews pointed out and respects the fact that it needs water and sewer.

Mr. Wick asked Mr. Andrews if one (1) part-time employee mitigates the need for water or sewer. Mr. Andrews answered "no." The code is very specific to this; it is a permanent operation even though it's seasonal which does require water and sewer.

Mrs. Birney asked if there is any latitude to tie into the resident system. Mr. Andrews stated the current house was built in the 1700's and nobody truly knows what is there.

Mr. Andrews stated this Board could deny this approval and send this to the ZBA for an interpretation as the current plan does not comply with the code or the applicant could put in a system. It was the consensus of the Board that Mr. Smith either must submit a plan, which includes a water/sewer system, or that his other alternative is to go to the ZBA.

REVIEWS
I-84 HOTEL - SPECIAL USE PERMIT

Mr. LaColla recused himself from this discussion.

Mr. Wick stated for the record, the Board has received a letter from Demetrius Moustaskas, the applicant, this evening indicating that the project is to be recognized as the Quality Inn Hotel from now on.

Mr. Horton stated the proposed Quality Inn Hotel is a three (3) story, 65 room hotel located adjacent to the I-84 Diner.

Mr. Wick stated the ZBA referral for this project is a matter of review later this evening.

Mr. Wick stated even if the canopy is dropped from the hotel it is still over the required setback. Wouldn't that suggest that the building is too large and possibly misplaced on the site? Mr. Andrews stated this is located in the GB (General Business) Zoning District. Mr. Andrews stated however, hotels and motels are permitted with a Special Use Permit jumping to the PB (Planned Business) Zoning District as regulated therein. Mr. Andrews stated if there was another diner proposed to be constructed on the current site it could be constructed, as no setbacks are required within this zoning district.

Mr. Wick asked what the first floor elevation of the hotel is. Mr. Horton stated it is at 226' and the elevation of NYS Route 52 is at 211'.

Mr. Gray stated one of the reasons why this application didn't go forward originally was that the owners needed to keep the truck traffic or get rid of the trucks and do the hotel. Mr. Gray stated this application is going to cut back on the number of trucks that can use the site; it just won't be possible.

Mr. Andrews stated the letter dated February 22, 2005 received from the NYSDOT will need to be revisited, as there was a strong public concern at the public hearing for the diner with a westerly access drive. Mr. Andrews reviewed his memorandum to the Board dated March 10, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Marino, Chief of the Rombout Fire District, stated this is not part of the Rombout Fire Ladder District and the applicant needs to petition the district to join.

Mr. Fink reviewed his memorandum to the Board dated March 10, 2005; a copy of this memorandum is attached to the original minutes.

Mrs. Lahey stated she personally finds this site very confusing. Mrs. Lahey stated it seems that this is a good opportunity to straighten out the whole site just a little bit more. Mrs. Lahey stated she would personally like to see the entrance closest to I-84 closed. Mrs. Lahey suggested that the whole parking lot be reconfigured and that a new road be brought into the site. Mr. Gray stated he is reasonably certain that we will hear a lot from the neighbors if the entrance was moved. Mrs. Lahey stated we need to offer the residents another plan besides the current one.

Mrs. Birney stated there is no solution for truck traffic right now. Mr. Gray stated right now we believe there is going to be less truck traffic with the current proposal.

FINAL

REVIEWS
I-84 HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Mr. Wick asked if landscaping and/or fencing are supposed to be along NYS Route 52. Mr. Andrews stated both he and Ms. Davis will check on this.

Mr. Knips made a motion that the Board schedule a public hearing for the Quality Inn Hotel at 7:30 p.m. or as soon thereafter as possible at the March 24, 2005 Planning Board meeting.

OTHER ITEMS DISCUSSED
WATERFRONT @ FISHKILL - RETAIL PARCEL - SITE DEVELOPMENT PLAN

Mr. Wick indicated at the last meeting the Board authorized the preparation of a Resolution of Final Approval for this project. Mr. Wick stated in fact this project had not yet received a Resolution of Preliminary Approval. Mr. Wick stated the Board needs to rescind their original motion and schedule a final public hearing.

Mr. LaColla made a motion to rescind his original motion to prepare and sign a Resolution of Final Approval. Mrs. Lahey rescinded her second of the original motion.

Mr. LaColla made a motion to prepare a Resolution of Preliminary Approval and that the Chairman sign it when he is satisfied. Seconded by Mrs. Lahey. Mr. Knips abstained. Motion carried.

Mr. LaColla made a motion to schedule a final public hearing at 7:30 p.m. or as soon thereafter as possible at the March 24, 2005 Planning Board meeting. Seconded by Mrs. Lahey. Mr. Knips abstained. Motion carried.

REVIEWS
VAN WYCK @ MERRITT PARK - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated March 10, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink stated he didn't understand why only Mr. Andrews' comments were addressed and not his comments. Mr. Rang indicated he did not receive a copy of the memorandum from Mr. Fink dated January 27, 2005 so he cannot respond to them. Mr. Wick suggested that Mr. Fink review his memorandum to the Board dated January 27, 2005.

Mr. Fink reviewed his memorandum to the Board dated January 27, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Knips made a motion that the Board schedule a public hearing at 7:30 p.m. or as soon thereafter as possible at the April 14, 2005 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

FINAL

REVIEW
SPLASH DOWN PARK - SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated March 10, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Andrews suggested that condition number 2 be modified to indicate Dutchess County Department of Health Approval be a condition of the issuance of a final certificate of occupancy or use of the new ride.

Mr. Andrews suggested that the Applicant petition the Rombout Fire District to join the Ladder District. Mr. Marino, Chief of Rombout Fire District, agreed with Mr. Andrews. Mr. Wick suggested that this be added as a condition on the Resolution of Final Approval.

Mr. Knips made a motion to waive the final public hearing. Seconded by Mrs. Lahey. Motion carried.

Mr. Knips made a motion that the Board adopt the Resolution of Final Approval as modified during the course of discussion this evening and that the Chairman sign it when he is satisfied. Seconded by Mrs. Lahey. Motion carried.

REVIEW
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews stated before the Board can entertain the Resolution of Preliminary Approval the Board must review and approve the Negative Declaration that has been drafted by Mr. Fink. Mr. Fink reviewed the Negative Declaration prepared for the Board.

Mrs. VanTuyt stated 299,012 S.F. is the correct square footage to be demolished on page 1 of the Negative Declaration.

Mr. Knips made a motion that the Board adopt the Negative Declaration as amended during the course of discussion this evening. Seconded by Mr. Knips.

Mr. Knips made a motion that the Board adopt the Resolution Authorizing the Filing of the Negative Declaration. Seconded by Mrs. Lahey. Motion carried.

Mr. Andrews stated the Board is now free to entertain the Resolution of Preliminary Approval - Amended Site Development Plan for Home Depot. Mr. Andrews reviewed his memorandum to the Board dated March 10, 2005; a copy of this memorandum is attached to the original minutes.

Ms. VanTuyt stated on the first page the fifth bullet down a parenthesis should be put after the Home Depot and at the end, it should state, "affecting a portion of the above described parcel as more particularly shown on the site plan." Ms. VanTuyt stated on page 3 rather than referring to the pending response to the OPHRP it may be better to say Mr. Fink brought them before the Board and indicate historic and archaeological resources. Ms. VanTuyt stated on condition number 4 on the letter from the Town Planner all of the comments in Mr. Fink's memorandum dated February 24, 2005 have been incorporated into the Negative Declaration.

FINAL

REVIEW
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

Ms. VanTuyl stated on condition number 11 she doesn't think a recreation fee is due on a commercial site plan. Mr. Colsey stated that under the current Town Fee Schedule a recreation fee is required.

Ms. VanTuyl distributed copies of the proposed signage to be utilized for the Home Depot. Ms. VanTuyl stated they have gone back to the drawing board and taken the Board's comments into consideration when coming up with this sign.

Mr. Wick asked Mr. Fink to discuss this sign as it relates to the Greenway Compact. Mr. Fink stated the guideline addresses several things. One is that the signs should not shout. Those that include fewer words and colors are best. Mr. Fink stated that natural looking materials are preferred with a dark background with light lettering and if internally lit it causes less glare. Mr. Fink stated there is also a guideline for free-standing signs when buildings sit back too far from the road to be seen. Mr. Fink stated in this particular guideline they have four examples of signs to be avoided.

Mr. Fink stated that the guide encourages monument signs not taller than 7' high. Ms. VanTuyl stated there is considerable distance from the building to the road and there is no question that the Home Depot will be far back from the road.

Ms. Birney stated the size of letters on the buildings are very readable. Mr. Kerekes stated yes when you read it straight on but once one goes to the north you don't even see the building anymore. Mr. Fink asked if Mr. Kerekes was familiar with the Home Depot in the Catskills; Mr. Kerekes stated yes. Mr. Fink stated the only evidence of Home Depot is a 6' to 7' high monument sign, which is very simple, and a very modest sign. Mr. Fink stated Home Depot in Catskill he assumes was conforming to the Catskills regulations. Mr. Kerekes stated that Home Depot in Catskill is not very healthy and is a single store not part of a shopping center.

Mrs. Birney stated we do not know what the rest of this site is going to be yet and think it is not very far-sighted on the Board's part before we know what the site development is going to be to have a sign that is predominantly one store's retail sign and will exclude all others except for strip. Mrs. Birney stated she has heard a few suggestions from other planners and it would be a small monument sign that would just indicate a Dutchess Mall because the Dutchess Mall is so well known in this area. Ms. VanTuyl stated the owner of Home Depot believes this current sign is a very attractive sign and believes very strongly if there is a hope of repopulating this mall there has to be signage to make it visible.

Mr. Rahemba stated two (2) signs - one (1) monument at each entrance would be ideal. Ms. VanTuyl stated she doesn't believe the Greenway Guidelines override the Town's Code or the approvals that have been granted. Ms. VanTuyl stated under the Town Code the Board has the authority to approve the suitability of design, color, location and use. Ms. VanTuyl stated as to the size it is a recommendation made by this Board to the Building Inspector.

Mr. Volkman stated under Chapter 150-58 "Site Plan" it indicates that the Board has the right to review size, color, location and suitability. Ms. VanTuyl stated that is for a new sign this is a replacement of an existing one. Ms. VanTuyl stated she believes this sign is a large improvement over what currently exists.

REVIEW
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

Ms. Lashlee suggested additional landscaping around the base of the sign if the height is not negotiable. Ms. VanTuyl they will certainly add landscaping to the base of the sign.

Ms. VanTuyl stated we really don't want to be known as the Dutchess Mall as it has a bad connotation because it has been dead for so long.

Mr. Knips stated as Mr. Fink read the Greenway Guidelines everything seems to be okay until we get to the height of the sign. Ms. VanTuyl stated the variance issued in 1977 clearly indicates a 40' sign is permitted and if that is what the owner will be forced to live with then he will. Ms. VanTuyl stated certainly the owner doesn't want to stop new retailers from coming to the site.

Ms. VanTuyl stated this sign is all they have in terms of rights to signage and we can't give that up. Mrs. Birney stated but you have the signage on the building. Ms. VanTuyl stated the law clearly allows a free-standing sign in a PSC (Planned Shopping Center) Zoning District in addition to building-mounted signs. Ms. VanTuyl stated we are not going to totally agree but let's try to compromise.

Mr. Rahemba stated it is his opinion that Home Depot has not compromised, as it's a different sign, which looks nicer, but the size is the same.

Mr. Knips stated Ms. VanTuyl has kept to the variance as to the height and has kept to the Greenway Guidelines. Mr. Volkman stated he believes that the variance is still an open issue and must still be investigated.

Ms. VanTuyl stated she never said tonight that this is the end all she said is that the sign is being reviewed by this Board for suitability of design, color, location and use not the size. Ms. VanTuyl stated if the size needs to be reduced, it has to be reduced but that is something for the Zoning Board of Appeals to decide not the Planning Board. Ms. VanTuyl stated she believes the information she has found indicates they are allowed a 40' sign.

Mr. Andrews recommended to gracefully omit condition number 6 and that any resolution of the signage be incorporated as part of a Resolution of Final Approval.

Mr. Wick stated the Board doesn't want to hold this project up in any way and would gladly recommend the issuance of a blasting or demolition permit now.

Mr. Wick stated knowing that the Board doesn't have size responsibility we are trying to use moral suasion to admit that the sign is too large.

Ms. VanTuyl stated since size is not the Board's issue can we at least agree on the design, color, location and use. Ms. VanTuyl stated if it is determined that the size must be reduced it shall be reduced.

REVIEW
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews stated under the wording of the Town Code the Board may only make a recommendation on the size. Mr. Wick suggested that additional wording be added to Resolution of Preliminary Approval, which includes that the sign follows the Greenway Guidelines and that the Board makes, a recommendation as the Final Resolution will address the signage.

Mr. Knips suggested that they discuss the outside storage area, as he believes storage in front of the building is a bad idea.

Mr. Kerekes stated the Board can certainly limit it to display not storage and it was meant to be display originally not storage. It was the consensus of the Board that the outside display areas will be indicated on the drawings.

Mrs. Birney asked if the tents will remain for a long time in the parking lot. Mr. Kerekes stated no, just take a look around at the Home Depots; you don't see tents up in the parking lot for a long period of time.

Mr. Wick suggested that the outline of Outside Display as submitted by Mr. Kerekes be included as part of the Resolution of Approval.

Mr. Knips made a motion that the Board adopt the Resolution of Preliminary Approval as amended during the course of discussion this evening and that the Chairman sign it when he is satisfied. Seconded by Mrs. Lahey. Motion carried.

Mr. Knips made a motion that the Board waive the final public hearing. Seconded by Mrs. Lahey. Motion carried.

Mr. Knips made a motion that a Resolution of Final Approval be prepared for review at the March 24, 2005 Planning Board Meeting. Seconded by Mrs. Lahey. Motion carried.

Mr. Andrews requested that the revised drawings and plans be submitted to him well in advance of the next meeting.

Ms. VanTuyt thanked both Mr. Andrews and Mr. Fink for their efforts.

REVIEW
ZBA REFERRAL - I-84 DINER CORP - 853 ROUTE 52

Mr. Wick stated it is his opinion that the building doesn't fit where it is being proposed. Mr. Andrews suggested that any recommendation in terms of the height be keyed and tied to participation in the Rombout Ladder District.

Mr. Wick stated he would like to see a better plan that does not require the variances. Mrs. Lahey agreed with Mr. Wick and stated especially on this site because it's very confusing already. Mrs. Birney agreed. Mr. Knips agreed. Mr. Rahemba agreed. Ms. Lashlee agreed.

FINAL

Mr. Knips made a motion to close the meeting at 11:15 p.m. Seconded by Mr. LaColla. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes